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Ontario

Landlord and Tenant Board

Annual Report 2009-2010

Minister of Municipal Affairs and Housing

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Ontario

TO THE LIEUTENANT GOVERNOR
OF THE PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, we have the privilege of presenting the Annual Report of the Landlord and Tenant Board for the 2009-2010 fiscal year.

Respectfully submitted,

Hon. Jim Bradley
Minister of Municipal Affairs and Housing

Landlord and
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June 29, 2010

TO THE HONOURABLE JIM BRADLEY
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

MINISTER:

I have the honour to submit the Landlord and Tenant Board Annual Report for the 2009-2010 fiscal year.

Respectfully submitted,

Dr. Lilian Ma
Chair
Landlord and Tenant Board

Table of Contents

Chair's Message	1
Year in Review	2
The Role of the Board	5
The Adjudication Process	6
The Mediation Process	10
Office and Hearing Locations	11
Customer Service Through the Call Centre	12
eGovernment	13
French Language Services	14
Budget and Revenues	15
Statistical Information	16
Decision Summaries	21
Biographies	27

CHAIR'S MESSAGE

I am pleased to report that over the past year, the Landlord and Tenant Board (the Board) has continued to function well as an adjudicative tribunal.

I am grateful to the Board Members and staff who work together closely as a team in fulfilling the LTB's dual mandate of providing information to landlords and tenants about their rights and obligations and providing dispute resolution through mediation and adjudication, in a manner consistent with the Board service principles of fairness, accessibility, customer focus and timeliness. Together these principles underscore the effectiveness of the Board. The focus of the Board is to ensure that these principles are incorporated at every step in the execution of its mandate without fettering the independent decision-making power of the Board Members.

Last year we saw the departure of Diana Macri, our Director of Operations. We are grateful to her contribution to the Board for the past 10 years. We welcomed Laura Bryce, our first Chief Operating Officer, who joined the Board on August 31, 2009. A strategic planning session was held in November 2009 which resulted in the development of a three-year Operational Plan, thanks to Laura's leadership and vision. The plan sets out three operational goals that the Board will work toward: service excellence, organizational excellence, as well as agency accountability and fiscal integrity.

The Board accomplished a number of important initiatives last year, aimed at enhancing service to its clients. These initiatives include: strategies to improve the handling of cases on the hearing day; electronic hearing pilot project; implementation of a new case management system (Cmore); implementation of the Human Rights Strategy with the development of a policy on Accessibility and Human Rights and the release of an Interpretation Guideline on Human Rights; and online publication of redacted orders by the Canadian Legal Information Institute (CanLII) as well as on the Board's website. For more information about these initiatives, please refer to the "Year in Review" section of this report.

My appreciation and thanks go to the Board's Vice Chairs, Regional Managers, the Program Development Unit and Legal Services Branch. They played an important role in various committees and in the policy and training work they do for the Board.

I also acknowledge the valuable support of my Executive Assistant, Suzanne Evans, and my Administrative Assistant, Sue Woodland, for the excellent coordination of the many tasks of the Chair's office.

I sincerely thank stakeholders from the landlord and tenant communities for their valuable feedback and input. The on-going dialogue between the Board and stakeholder representatives at our Stakeholder Advisory Committee meetings ensures that the views of both landlord and tenant groups are given the necessary attention in the development of procedures, forms, Rules of Practice and Interpretation Guidelines.

In closing, I acknowledge the valuable contribution of two Board Members who passed away last year. The Board was saddened by the death of Christopher (Chip) Trueman on April 22, 2009 and Dan Helsberg on May 20, 2009.

Sincerely,

Lilian Ma, Ph.D., LL.B
Chair and CEO
Landlord and Tenant Board

YEAR IN REVIEW

In 2009-2010, the Board continued to deliver its services to Ontario landlords and tenants by providing information on their respective rights and obligations and resolving disputes filed as applications to the Board. To deal with the volume of applications, the Board focussed its attention on opportunities for enhancing service delivery, particularly with regard to its case management practices. Also during the past year, a significant portion of the Board's resources was dedicated to the implementation of Cmore, the new case management system, first launched in April 2009.

Highlights:

- *Case Management Strategies*
- *Electronic Hearings Pilot Project*
- *New Case Management System*
- *New Chief Operating Officer*
- *Accessibility and Human Rights at the Board*
- *Redacted Board Orders*

Case Management Strategies

In the Board's busy urban offices, hearings are conducted simultaneously in more than one hearing room. While there are regional variations, and some hearing blocks are devoted to hearing previously-adjourned or complex matters, a typical 3-hour hearing block can contain 20-30 cases, many of which are uncontested on the day of the hearing. Members have generally managed the blocks by dealing with simple matters first, such as requests for withdrawals, adjournments, consent or uncontested cases. However, this can result in longer wait-times for parties who are ready to be heard. At times, this can lead to adjournments for those cases heard later in the block.

Over the past year, the Board experimented with various approaches to scheduling hearings and managing hearing blocks in those offices that handle the higher volume and more complex cases, namely, in the Toronto North and Toronto South offices. The goal of the exercise was to triage the cases for efficiency, thus allowing the Members sufficient time to deal with more complex cases. In the latest approach that has been adopted, all L1 and L9[1] applications are scheduled to be heard in one hearing room while other more complex matters are scheduled in another.

The Board has received positive feedback from stakeholders about their hearing day experience as a result of these changes. In the coming year, the Board will continue to explore the potential benefit of further changes to scheduling practices to facilitate betta hearing day management.

Electronic Hearings Pilot Project

In 2009, the LTB introduced a six-month pilot project to test the expanded use of telephone and videoconference technologies for mediation and hearings in a few locations across the province. The Board has used teleconference and videoconference hearings widely in northern Ontario for a number of years; therefore it was anticipated that this initiative would allow the Board to provide more timely service in the pilot areas and improve accessibility.

[1] L1 is a landlord's application to terminate a tenancy and evict a tenant for non-payment of rent; L9 is a landlord's application for payment of rent arrears.

YEAR IN REVIEW

The areas in which the pilot projects were implemented were the counties of Bruce, Grey, Haldimand/Norfolk and Huron for telephone hearings. Face-to-face hearings were held where telephone hearings were not appropriate. Videoconference hearings were piloted in the district of Thunder Bay.

The Board is in the process of reviewing the result of these pilots and the feedback from stakeholders, and will be deciding how electronic hearings can best be used as an effective tool for the Board in achieving its service principles of fairness, accessibility, customer focus and timeliness.

New Case Management System

In late April 2009, the Board launched Cmore, a new Oracle Siebel case management system, for all applications (except for Above Guideline Increase (AGI) applications) to replace the Evans CaseLoad system, in order to assist in managing the Board's workload. The Board used a phased approach to implement Cmore, running Cmore and CaseLoad concurrently, and gradually processed an increased number of applications with the new system.

Early in 2010, the initial transitional issues had been largely overcome. The Board completed its transition to Cmore on March 31, 2010 with no backlog situation. The patience and understanding of the Board's clients who had coped with longer than usual wait-times at front counters during the transition is very much appreciated. The Board will continue to leverage this new technology to serve its clients better.

New Chief Operating Officer

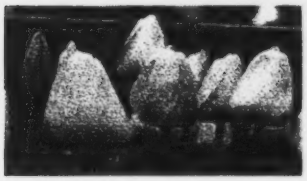
Effective August 31, 2009, Laura Bryce became the first Chief Operating Officer for the Board. Ms Bryce has a proven track record over the last 30 years with the Ontario Public Service including a number of strategic leadership and business transformation roles that will serve the Board well.

Accessibility and Human Rights at the Board

The Board provides its services in accordance with the Ontario *Human Rights Code* (the Code), the *Ontarians with Disabilities Act, 2001* (the ODA) and the *Accessibility for Ontarians with Disabilities Act, 2005* (the AODA).

The Board is fully compliant with the Customer Service Standard established under the AODA. The Customer Service Standard includes ensuring that policies, practices and procedures are in place with regard to providing Board services to people with disabilities, having a feedback mechanism about the accessibility of Board services and ensuring that Board staff and Members receive training about providing services to people with disabilities.

In October 2009, the Board published its Human Rights Guideline as part of the Board's overall Human Rights Strategy to address its obligations under the *Human Rights Code* (the Code). The Guideline addresses various Code issues that may arise in a Board proceeding. The Board consulted with members of the Stakeholder Advisory Committee and the Ontario Human Rights Commission in developing the Guideline.



YEAR IN REVIEW

In November 2009, the Board launched its Policy on Accessibility and Human Rights. The Policy sets out what the Board has done to ensure clients can access its services without barriers, how clients can make a request for accommodation in regards to their needs under the Code, how clients can give feedback on the Board's provision of services, and how the Board will train staff and Members on the obligations arising from the Code and the AODA.

Redacted Board Orders

As reported in the 2008-2009 annual report, the Board has been posting redacted orders on its website to provide the public with transparency of its decisions. Redacted orders are orders from which information has been removed to protect the privacy of individuals named in the order, having regard to the provisions of the *Freedom of Information and Protection of Privacy Act*.

Furthermore, the Canadian Legal Information Institute (CanLII) has established an online database for redacted Landlord and Tenant Board orders. CanLII has already posted a number of Board orders issued starting in September 2009, and will continue to add new orders to its database at the rate of 200 orders per month. The CanLII website is at www.canlii.org.

Summaries of Board selected decisions will continue to be posted on the LTB website. Selected decisions are decisions chosen by a committee of the Board. These decisions are not binding on Members of the Board, nor are they intended to reflect the official position of the Board on how to interpret or apply the law. These decisions are also sent to CanLII and Quicklaw for posting. In general, only contested orders are chosen for posting.

The Role of the Board

Section 1 of the *Residential Tenancies Act, 2006* (the RTA) sets out the purposes of the Act, as follows:

- provide protection for residential tenants from unlawful rent increases and unlawful evictions;
- establish a framework for the regulation of residential rent;
- balance the rights and responsibilities of residential landlords and tenants; and,
- provide for the adjudication of disputes and for other processes to informally resolve disputes.

Dual Mandate

The RTA, which establishes the Landlord and Tenant Board, confers a dual mandate on the Board.

First, the LTB exercises a quasi-judicial function under subsection 168(2) of the RTA, which provides that the Board has jurisdiction to determine all applications under the RTA, and section 174, which provides the Board with the authority to hear and determine all questions of law and fact with respect to all matters within its jurisdiction under the RTA.

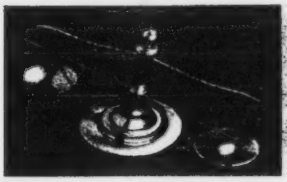
Second, pursuant to section 177 of the RTA, the LTB is required to give information to landlords and tenants about their rights and obligations.

Mission Statement

The Board has adopted the following Mission Statement: The mission of the Landlord and Tenant Board is to inform landlords and tenants about their rights and responsibilities under the *Residential Tenancies Act* and provide balanced and timely dispute resolution in accordance with the law.

Section 183 of the RTA mandates the Board to adopt the most expeditious method of determining the questions arising in a proceeding which affords parties an adequate opportunity to know the issues and to be heard on the matter.

"The mission of the Landlord and Tenant Board is to inform landlords and tenants about their rights and responsibilities under the Residential Tenancies Act and provide balanced and timely dispute resolution in accordance with the law."



THE ADJUDICATION PROCESS

The LTB handles a large volume of cases, resulting from the significant number of renters in Ontario (approximately 29% of Ontario's households[2]). The Board strives to ensure that its application resolution process meets both efficiency and quality service objectives. When the LTB receives an application, the parties are entitled to a hearing before a Board Member who will decide the outcome in accordance with the law.

Application Types

Applications filed with the Board are classified on a "case type" basis. (Applications by Type are listed on page 17.) The bulk of the Board's workload consists of applications from landlords to terminate the tenancy and evict the tenant for non-payment of rent and to collect arrears of rent (Application Form L1). The most common tenant application is an application about tenant rights (Application Form T2), dealing with such issues as illegal entry and interference with reasonable enjoyment of the rental unit. Another type of application the Board handles is a landlord's application for an above-guideline rent increase (Application Form L5), which often involves multiple tenants.

Average Processing Times

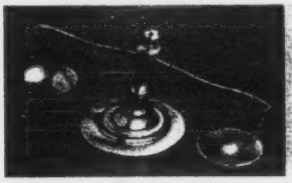
The Board tracks the length of time from the filing of an application to the initial hearing date for these applications, and the time from the final hearing date to the date the order is issued. These statistics on timelines generally correspond to the complexity of the application types.

On average, L1 applications will have their hearing scheduled within four to five weeks of their filing date, and will have an order issued within three days of the final hearing. T2 applications, which tend to be more complex, will typically be heard within six to eight weeks of their filing date, and will have an order issued within seven days of the final hearing. L5 applications (for above-guideline rent increases) generally involve the lengthiest processes and as a result tend to be heard 20 to 22 weeks after their application was filed, and have an order issued within three weeks after the hearing.

Board Decisions

All Board Members are independent decision-makers who have the exclusive authority to make decisions in accordance with the *Residential Tenancies Act, 2006* (the RTA) and the *Statutory Powers Procedure Act* (the SPPA), an Act that governs the practice and procedures at the Board. A decision can only be changed by way of review filed under the Board's Rules of Practice, or by way of appeal on a question of law to the Superior Court of Justice (Divisional Court).

[2] The population of Ontario was approximately 12 million at the time of the 2006 Census (Statistics Canada).



THE ADJUDICATION PROCESS

Reviews and Appeals

A party to an application may ask for a review of a Board order if they believe that the order contains a serious error or that a serious error occurred in the proceedings, including where a party was not reasonably able to participate in the proceeding.

The authority for requesting a review comes from section 21.2 of the SPPA, subsection 209(2) of the RTA, and Rule 29 of the Board's Rules of Practice. The Rules also allow a Vice Chair of the Board to initiate a review.

A review of a Board order is decided by a Member other than the Member who heard the application and issued the order. When a review request is filed with the Board, a Member conducts a preliminary review without holding a hearing, to determine whether or not the order may contain a serious error or a serious error may have occurred in the proceedings. Where the Member determines that there is a possibility of a serious error affecting the result of the case, a review hearing will be held. Otherwise, the Member will dismiss the request for review.

Section 210 of the RTA also provides that any person affected by a Board order may appeal the order to the Divisional Court within 30 days after being given the order, but only on a question of law.

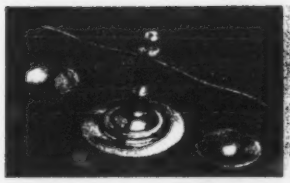
Board Member Appointments

Board Members, appointed by Orders-in-Council, perform the function of adjudicators of applications filed with the LTB.

Members are selected from a list of qualified candidates who have applied to the Public Appointments Secretariat. They undergo a rigorous and competitive interview and selection process and, based on the results of the interview process, the Chair will make recommendations to the Minister in regard to their appointments. The Minister makes a recommendation to the Cabinet who decides on the appointment.

Once Members are appointed to the Board, they receive training from the Board to become adjudicators. The initial training period, which spans a number of weeks, incorporates classroom instruction, hearing room observation, participation in mock hearings and mentoring from an experienced Member or Vice Chair. New Members are also paired up with other experienced Members in their early hearing room assignments. The training provided by the Board, augmented by the Members' previous experience and knowledge, prepares them to deal proficiently with the issues that come before them.

While most Members are on full-time appointments, there are also some part-time Members. All Members report to the Chair of the Board through a regional Vice Chair, and are located in different areas of the province as the Board has eight offices to facilitate regional representation and service delivery.



The Adjudication Process

Professional Development

Members from across the province meet once a year for professional development. They also meet more frequently in their regions. These meetings provide on-going training and address any emerging issues. The Board's Legal Services Branch also summarizes new case law or legislation that has a direct impact on Members' decision-making and disseminates this information to Members, in the form of legal memos.

A minimum of four days are set aside each year for Members' continuing professional development.

For example, a number of Board Members were able to attend the November 2009 Conference of Ontario Boards and Agencies (COBA), the major annual conference on administrative justice, organized by the Society of Ontario Adjudicators and Regulators (SOAR).

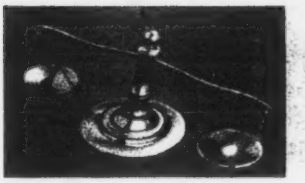
At times, Members participate in on-line training to facilitate access. For example, E-learning modules, developed by the Ontario Public Service, Centre for Leadership and Learning, to assist staff and Members in interacting with people with disabilities, were completed by all Board Members in 2009-2010. A professional development committee headed by a Vice Chair oversees ongoing educational opportunities for the Members.

Rule and Guideline Making

Rule and Guideline-making are mandated by section 176 of the RTA. Although Board Members are independent decision-makers, the Board has an interest in achieving consistency and coherence in decision-making. To encourage this, the Board has codified a general interpretation of some aspects of the RTA in its Interpretation Guidelines and its procedures into Rules of Practice.

Rules of Practice set out procedural rules that must be followed. While a Member may waive certain rules in appropriate circumstances, some rules have a non-waiver provision. Interpretation Guidelines, on the other hand, are not binding on Members in their decision-making, but they should generally be followed unless there is valid reason not to do so. Members must provide reasons for waiving a rule or not following a guideline. The LTB's Rules and Guidelines are available to the public so that parties know what to expect when they come before the Board.

The Board has adopted the following process as a means of elevating an issue to the point of requiring rule or guideline-making. Issues may be identified from discussions held at regional Members' meetings, or by the Board's Legal Services Branch (LSB) or Program Development Unit (PDU), or from discussions with stakeholders. These issues are first presented and discussed at "roundtables" of Vice Chairs. In many cases, the Vice Chairs elicit feedback from their Members before coming to the roundtable forum, to ensure the Members' opinions can be taken into consideration.

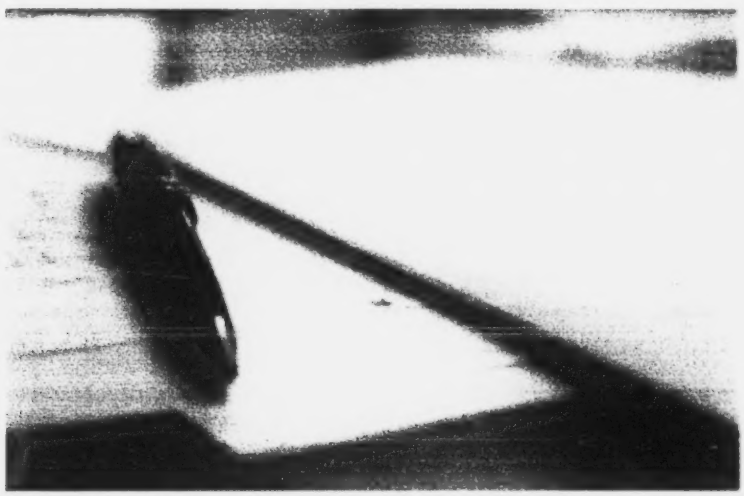


THE ADJUDICATION PROCESS

When there is consensus or a preferred position is reached with respect to an issue by the Vice Chairs, with the input of LSB and PDU, the matter may be referred to the Rules and Guidelines Committee for the development of a new or revised Rule or Guideline. Then, before new or revised Rules and Guidelines are finalized, they are sent to members of the Board's Stakeholder Advisory Committee for consultation before finally being adopted by the Rules and Guidelines committee. Finally, once the Rule or Guideline is adopted by the Board, it is posted on the Board's website for the public.

Committee work

Committee work is an important aspect of the work of the board, as the seeks to identify and address important legal and procedural issues in adjudication. Vice Chairs often lead these committees which are constituted of Board Members, staff and counsel from the LSB. Examples of Board committees are: the Rules and Guidelines Committee, the Order Production Group (which facilitates the production of board orders), the Selected Decisions Committee, the Adjudicative Best Practices Committee and the Capacity Committee.



The Mediation Process

The Landlord and Tenant Board employs 21 Mediators throughout the province to provide voluntary mediation services to parties involved in applications before the Board. An application can be resolved through:

- adjudication (an order is signed by a Board Member),
- mediation (an agreement is signed by the parties only), or
- a consent order (an order based on an agreement between the parties is signed by a Member).

How Mediation Works

In mediation, the parties voluntarily work with a Board Mediator to achieve a desired outcome for the parties. An agreement reached by the parties may contain terms outside the limits provided by the legislation. In adjudication, however, the outcome is decided by a Board Member, within the limits of the legislation, based on the evidence and circumstances elicited at the hearing.

If the parties are successful in resolving their dispute through mediation, the Board Mediator will prepare a mediated settlement based on the terms of the parties' agreement. The agreement will be signed by the parties, copies of which are kept by the parties only. The Board does not keep a copy of the agreement. At times, after mediation, parties may choose to come before a Board Member to obtain a consent order based on the terms of their agreement.

Mediation is a valuable tool in the daily work of the Board. The Board anticipates naming a Mediation Team Lead in the near future, to oversee the management and performance of the Mediators at a provincial level. The Team Lead develop protocols, standards and performance measures.

Benefits of Mediation

During the 2009-2010 fiscal year, approximately 48% of all applications where both parties showed up at the hearing were successfully resolved through mediated agreements and/or resulted in consent orders. Mediation continues to be an important and effective non-adversarial method of resolving disputes, helping to save tenancies and reduce social costs, while strengthening the relationships between landlords and tenants.

The Board strives to make its services accessible to Ontarians across the province. The Board has eight offices that offer full services to clients. At those offices, landlords and tenants can file applications and obtain information from one of the Board's Customer Service Officers about their rights and obligations under the law, as well as attend hearings and participate in mediation.

Board Offices

Approximately 70% of Board hearings are held in these eight offices located in:

- Downtown Toronto - (Toronto South Region)
- North York, Toronto (Toronto North Region)
- Scarborough, Toronto (Toronto East-Durham Region)
- Mississauga (Central Region)
- London (Southwest Region)
- Hamilton (Southern Region)
- Ottawa (Eastern Region)
- Sudbury (Northern Region)

Off-site Hearing Locations

There are 33 off-site hearing locations to which Board Members and Mediators travel for hearings on a regular basis. These are: Barrie, Belleville, Bracebridge, Brantford, Brockville, Burlington, Chatham, Cobourg, Cornwall, Goderich, Guelph, Hawkesbury, Kingston, Lindsay, Newmarket, North Bay, Orangeville, Owen Sound, Pembroke, Perth, Peterborough, Port Elgin, Sarnia, Sault Ste. Marie, Simcoe, St. Catharines, St. Thomas, Stratford, Thunder Bay, Waterloo, Whitby, Windsor and Woodstock.

Electronic Hearings

There are also a number of locations in the northern parts of the province where the Board regularly holds hearings electronically. For example, in Timmins, hearings can be held by video-conference; in Dryden and Elliot Lake, hearings are held by telephone. The Board can also schedule electronic hearings upon party request where circumstances permit.

ServiceOntario Partnership

The Board has partnered with ServiceOntario in over 70 locations across the province, to distribute forms and brochures, and to receive applications and other documents on behalf of the Board. This partnership helps to improve front counter accessibility for clients throughout the province.

Customer Service Through the Call Centre

Early resolution of disputes is important to achieve the Board's Mission. Landlords and tenants can sometimes resolve their disputes once they have been informed about the law.

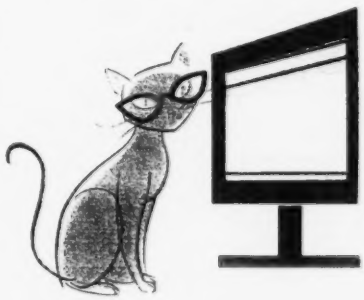
Section 177 of the RTA sets out the Board's mandate to provide information to landlords and tenants about their rights and obligations under the legislation. In fulfilling this mandate, the Board's virtual Call Centre handles customer inquiries, in both English and French, through toll free lines. In the Greater Toronto Area, the phone number is (416) 645-8080; outside Toronto the number is 1-888-332-3234. Customer Service Officers are available during regular business hours. An automated telephone service answers frequently-asked questions 24 hours a day, 7 days a week. This year, the Board responded to approximately 500,000 telephone calls.

Also, if a landlord or tenant has filed an application with the Board, they can inquire about the status of their case via the telephone.

The Board's website, www.LTB.gov.on.ca, receives approximately 2.5 million hits each month. All Board forms, the Rules of Practice, Interpretation Guidelines and the Board's complaint procedures are available on the website, in both English and French. The Board's Policy on Accessibility and Human Rights is also available on the website.

Also available on the website is a *Guide to the Residential Tenancies Act* in Arabic, Chinese, Farsi (Persian), Korean, Punjabi, Russian, Spanish, Tamil, Urdu and Vietnamese[3], as well as in English and French. Apart from this Guide, there are over 30 brochures posted on the website providing information on all major aspects of the RTA and the Board's services. Topics include the rent increase guideline, care homes, how to file an application, ending a tenancy, illegal lockouts, Board fees, information about a hearing and information for new tenants.

At the beginning of the fiscal year covered by this report, the Board began phasing in its new case management system, Cmore. After the implementation of Cmore, the Board is now in a position to explore further use of additional functionality in the system as well as eFiling to better meet our client's needs.



The Cmore 'logo'

[3] These are the ten most spoken languages, in addition to English and French, in Ontario according to 2001 Census data obtained from Statistics Canada.

FRENCH LANGUAGE SERVICES

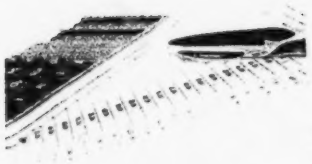
The Board provides service to the public in both official languages in accordance with the *French Language Services Act* (the FLSA). All offices in areas designated by the FLSA have bilingual staff available. The Board's policy concerning the provision of French language services is set out in its Rules of Practice.

Services at Board Hearings

Where a party is entitled to and has requested French language service, the Board attempts to schedule a French-speaking Member to hear the case. Where this is not possible within a reasonable period of time, the Board will schedule the matter before an English-speaking Member and will ensure that an interpreter is present.

About 10% of Board Members can conduct hearings in French, and 5% of its Mediators can provide mediation service in French. Less than 0.4% of Board hearings were conducted in French over the past fiscal year.

All correspondence and decisions of the Board are provided in French to a party who has requested and is entitled to French language services.



BUDGET AND REVENUES

The following table shows the Expenditures and Revenues of the LTB for 2009-10 including actual results, budget and variances.

Vote & Item 1904-03 Residential Tenancy	Budget ($)	Actual ($)	Variance Savings/ (Over-Expenditure) ($)
Operating Expenditure	27,997,521	27,870,772	126,749
Revenue	Not Applicable	11,750,665	Not Applicable
Source of Data: 2009-10 Draft Public Accounts			
Note: *The Public Accounts reflect consolidated numbers for the LTB and IEU (the Investigations and Enforcement Unit of the Ministry of Municipal Affairs and Housing). Accordingly, to arrive at LTB numbers, Public Account numbers have been adjusted to remove IEU numbers.*			

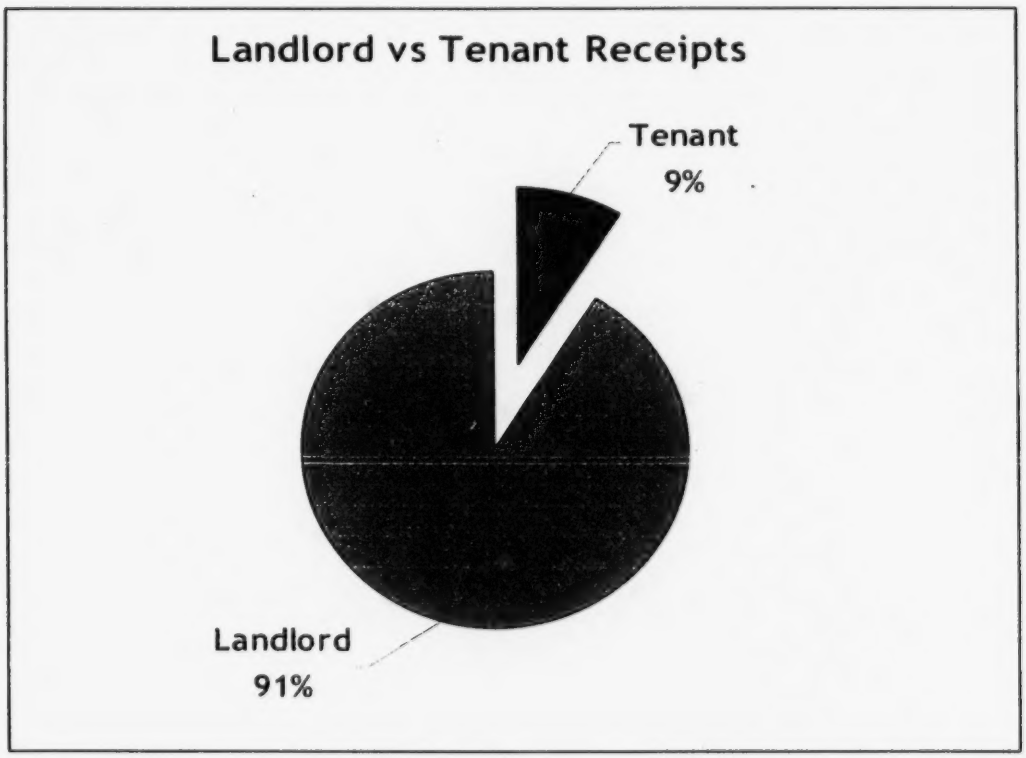
The expenditures for the Board for 2009-10 were $27.87M. Of this, $16.56M was for salaries and wages, $2.40M was for benefits and the remaining $8.91M can be attributed to Other Direct Operating Expenses.

In 2009-10 the LTB successfully met its service delivery performance standards and key deliverables while being able to achieve a savings of $126,749 from its operating expenditure budget.

Landlord vs Tenant Receipts

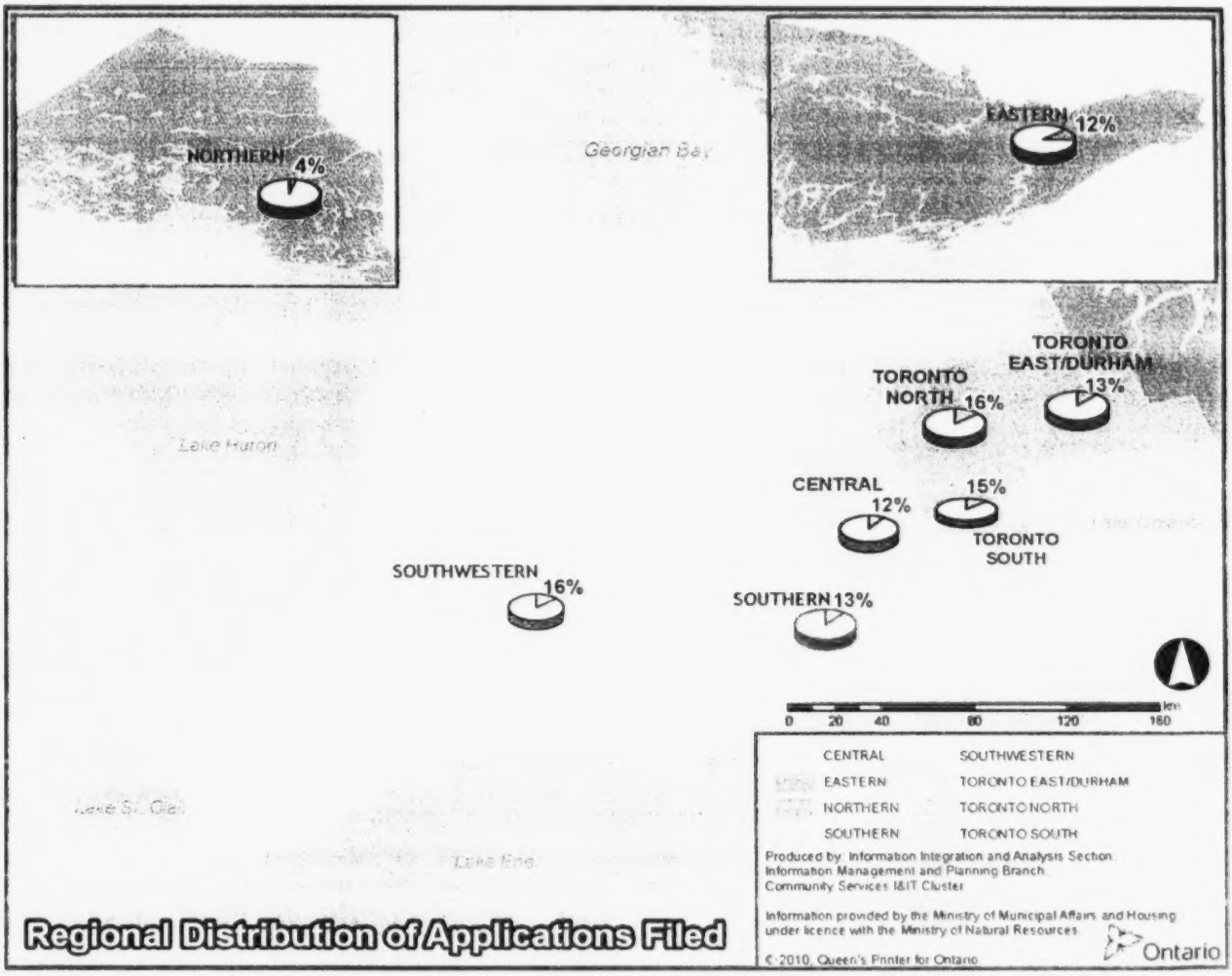
From April 1, 2009 to March 31, 2010, the Board received 78,072 applications filed under the RTA. This represents a decrease of 7,768 applications, which is approximately 9%, compared to the 2008-2009 workload. The decrease appears to correlate with the recent trend toward economic stabilization and recovery in Ontario.

The distribution of application receipts has remained relatively constant since 1998 when the resolution of landlord-tenant disputes was transferred from the provincial court system to the Board's predecessor, the Ontario Rental Housing Tribunal. This past year was no exception, with 91% of applications filed by landlords and 9% filed by tenants.



Regional Distribution of Applications

The regional distribution of applications filed with the Board is as follows:



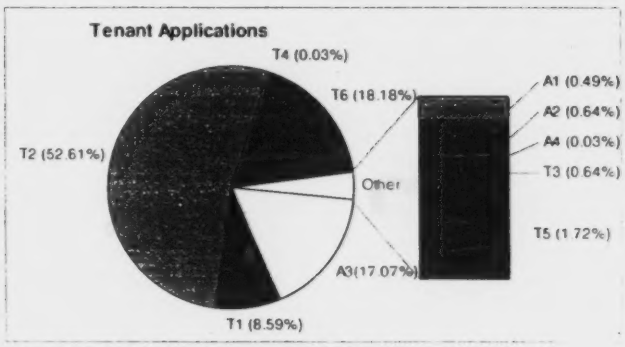
Applications By Type

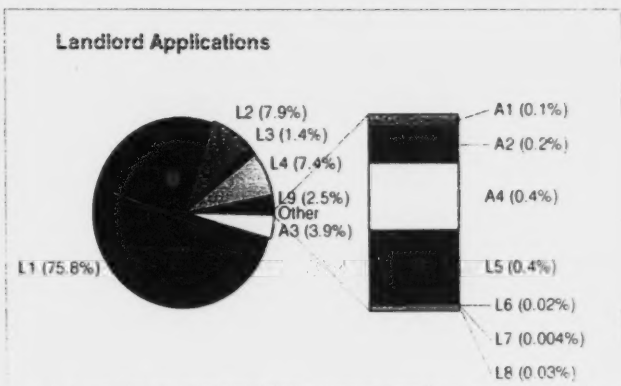
Termination of tenancy and eviction applications continue to represent the bulk of the Board's workload. Of the total applications received by the Board, 69.3% were for termination of tenancy because of arrears of rent.

The following charts show the distribution of the Board's workload, by type of application for the 2009-2010 fiscal year.

Case Type	Application description	# of Cases
A1	Determine Whether the Act Applies	49
A2	Sublet or Assignment	153
A3	Combined Application	2,796
A4	Vary Rent Reduction Amount	275
L1	Terminate & Evict for Non-Payment of Rent	54,109
L2	Terminate & Evict for Other Reasons	5,628
L3	Termination Tenant Gave Notice or Agreed	991
L4	Terminate the Tenancy: Failed Settlement	5,301
L5	Rent Increase Above the Guideline	294
L6	Review of Provincial Work Order	12
L7	Transfer Tenant to Care Home	3
L8	Tenant Changed Locks	22
L9	Application to Collect Rent	1,754
Landlord	Total	**71,387**

Case Type	Application description	# of Cases
A1	Determine Whether the Act Applies	33
A2	Sublet or Assignment	43
A3	Combined Application	1,141
A4	Vary Rent Reduction Amount	2
T1	Rent Rebate (e.g. illegal rent)	574
T2	Tenant Rights	3,517
T3	Rent Reduction	43
T4	Failed Rent Increase Above Guideline	2
T5	Bad Faith Notice of Termination	115
T6	Maintenance	1,215
Tenant	Total	**6,685**





Applications filed under the TPA

During the 2009-2010 fiscal year, in addition to its RTA workload, the Board continued to resolve applications that had been filed under the *Tenant Protection Act, 1997* (the TPA), but remained unresolved on January 31, 2007 when the RTA was proclaimed. The TPA was the legislation in effect prior to the implementation of the RTA on January 31, 2007.

Transitional Rules

Applications filed under the TPA continue to be resolved pursuant to the TPA, but with regard to certain transitional rules brought in by the RTA. For example, the Board cannot issue a default order on a TPA application if it was not resolved by January 31, 2007. Also, a Member hearing a TPA eviction application is now *required* to review all the circumstances of the application under section 83 of the RTA and to always consider delaying or refusing to grant a tenant's eviction. This is different from the *discretionary* provision that existed under a similar provision (section 84) in the TPA.

Pending TPA Applications

At the beginning of this fiscal year, 66 TPA applications were still active. Between April 1, 2009 and March 31, 2010, the Board resolved 57 of those applications, leaving 9 TPA applications awaiting resolution. (The number of unresolved TPA applications may increase slightly as a party to a TPA application may, for example, still file a request to review a TPA order and this would be added to the TPA workload.)

Application Resolution

Over the past year, the Board has continued to resolve applications without creating a backlog, despite the challenge of implementing a new case management system. As of March 31, 2010, the number of unresolved RTA applications is 8,166. This number represents approximately five weeks' work at the Board, which is the workload appropriate to warrant smooth and continuous operation for the Board.

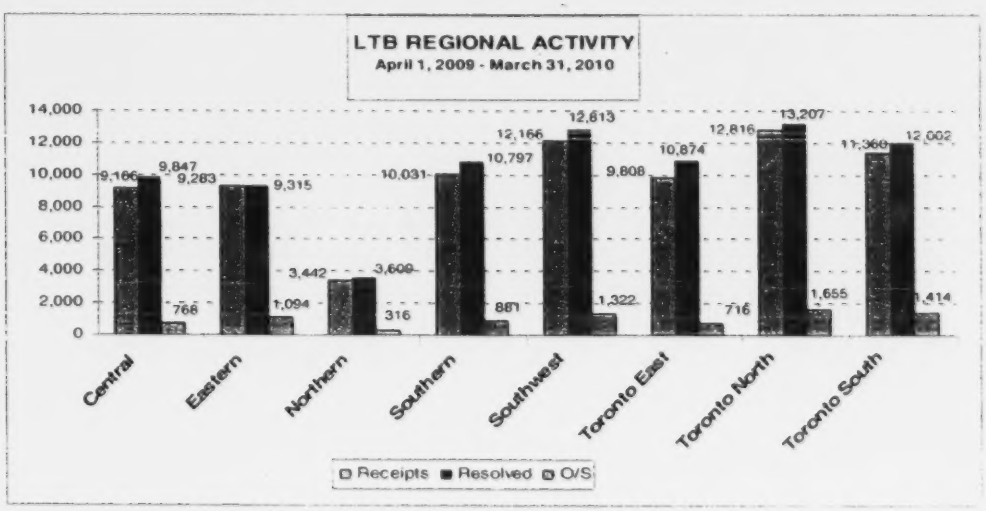
For the fiscal year 2009-2010, the Board received a total of 78,072 applications and resolved 82,464 applications. Some applications may generate more than one resolution because of the re-opening and review processes.

The following chart shows how application receipts and resolutions have remained relatively constant during the year.

Review and Appeal Statistics

Over the 2009-2010 fiscal year, the Board received 1,755 requests for review, of which approximately 63% were sent to a hearing.

Also during the 2009-2010 fiscal year, 200 Notices of Appeal of Board orders were received by the Board.



DECISION SUMMARIES

TNL-22811 (July 10, 2009) - *s. 6(2)(a), exemption from some 'rent controls' - s. 126, above guideline increase in rent*

The Landlord applied for an above guideline increase in rent. The rental unit is a condominium unit located in a complex that was first occupied on May 15, 2007. Section 6(2)(a) of the RTA states that a rental unit is exempt from certain rent control provisions if it has not been occupied for any purpose before June 17, 1998. The rental unit falls within this exemption.

While Landlords are still required to give a 90-day written notice (section 116) and can only increase the rent once every twelve months (section 119), the provisions of the RTA that would limit a rent increase to the guideline amount (section 120) or allow a rent increase above the guideline (section 126) do not apply. In this case, this meant that the landlord could increase the rent above the guideline without making an application to the LTB. The Landlord's application was dismissed.

SWL-28812 (August 19, 2009) - *s. 48, Landlord's own use - s. 187(2), adding parties - joint landlords not acting in unison*

FJ applied for an order terminating the tenancy for his own occupation. FJ owns half the property and the other half is owned by his mother, AJ. In a previous application against this Tenant, both were named as Landlords. As well, although only AJ signed the lease, the Member found there was an implied agreement between AJ and FJ that the property be rented out. Therefore AJ and FJ were Landlords as they both permitted occupancy of the unit. Accordingly, AJ was added as a party to the application.

At the hearing, AJ opposed FJ's application. The Member held that the Landlords must act in unison because, from the Tenant's point of view, they are a single entity. The Landlords' application was dismissed.

TST-02463 / TST-02741 (August 27, 2009) - *s. 57, bad faith - s. 48(2), void notice*

The Tenants moved out of the rental unit because the Landlord gave them an N12 notice claiming that the Landlord's daughter intended to move into the unit. The N12 was void because the termination date in the notice was not the last day of a rental period as required by subsection 48(2) of the RTA. The Tenants did not know that the notice was void and moved out by the termination date.

The Member determined that the Landlord's daughter did not move into the rental unit within a reasonable time, nor did she have any intention of doing so. The Landlord took the position that because the N12 was defective, the Tenants' T5 application should fail. The Landlord argued that a void notice could not have been given in bad faith as it was not in fact a notice.

The Member held that it was inconceivable that a Landlord could escape liability in a T5 because the N12 upon which it is based is void. Such a finding would mean that a Landlord could serve faulty notices in the hope that the Tenant would vacate, as the Member found happened here. Moreover, subsection 57(1) of

the RTA makes no reference to valid or invalid notices. Even defective notices can be given in bad faith. The Landlord's preliminary motion to dismiss the application was therefore dismissed.

TNL-29278-SA (October 5, 2009) - *s. 78(11)(b), not unfair to set aside order*

The Landlord applied for an order to evict the Tenant because she failed to meet a condition specified in a previous order. The order was granted. The Tenant filed a motion to set it aside.

The Member found that there existed extenuating circumstances for the tenant's failure to meet a condition in the original order. The Tenant had deposited sufficient funds into her bank account to cover the August rent. The Tenant was not aware that her cash deposit on July 30 would be placed on hold pending verification of the funds. This resulted in the August rent cheque not being honoured by the bank, and the cheque was returned to the Landlord due to non-sufficient funds. Upon discovering that the Landlord had obtained an eviction order, the Tenant attended at the Landlord's office and paid the August rent by way of a bank draft.

In considering relief from eviction, the Member determined that she could only consider circumstances that have arisen since the original order was issued. The Tenant's previous persistently late rent payments or the fact that she had five children were not relevant. The Member was satisfied that the Tenant had made a genuine effort to ensure that sufficient funds were in her bank account to cover the August rent. As well, she had paid the September rent and at the hearing she committed to making future rent payments in guaranteed funds. Applying section 78(11)(b), the Member determined that it would not be unfair to grant the Tenant's motion to set aside the order.

TET-01161-09 (October 29, 2009) - *s. 135, money collected illegally - smart meters, Electricity Act* and *Ontario Energy Board Act*

The Tenant applied for an order determining that the Landlord has collected or retained money illegally.

The tenancy agreement provided that the Tenant is not responsible for electricity costs. Effective January 1, 2009 the condominium building installed smart meters in each of the units. The Landlord required the Tenant to pay the electricity charges and did not decrease the rent in exchange for the Tenant assuming responsibility for these payments.

The Tenant has paid the electricity provider $690 since the smart meter was installed, and his electricity was shut off several times due to non-payment of the electrical bill.

The Member determined that the Landlord has interfered with the supply of a vital service and interfered with the Tenant's enjoyment by failing to continue to pay the cost of electricity for the rental unit. The Tenant requested reimbursement of the costs and the Member so ordered.

The Member also observed that, although the Ontario Energy Board (OEB) Order EB-2009-0111 issued on August 13, 2009 is not binding on him, the Landlord is likely in contravention of the *Electricity Act, 1998*

and the *Ontario Energy Board Act, 1998* because there was no evidence that the Landlord had complied with the stringent conditions for installing smart meters set out in the OEB Order. These conditions include obtaining a third-party energy audit and the written consent of the affected tenants.

SOL-25190 (November 10, 2009) - *s. 62, undue damage to rental unit - Human Rights Code, duty to accommodate - s. 83, relief from eviction - s. 204, conditional order*

The Landlord gave the Tenant an N5 notice for causing damage to the rental unit. The Tenant has caused damage to the ceiling of the rental unit below as a result of prolonged water leakage caused by the Tenant not making proper use of his shower curtain. In addition, the Tenant has a disability that causes urinary incontinence. The unit became unhygienic because of his incontinence and the smell of urine pervaded the building.

Citing *Ball v. Metro Capital*, the Tenant argued that the N5 notice was defective because it failed to set out sufficient details about the times and dates and conduct that led to the notice. The Member held that the issue is not whether there are dates and times but whether the N5 notice is descriptive enough for the Tenant to know the case to be met. The notice given by the Landlord described the problem with enough detail that the Tenant could have remedied the problem or disputed the notice.

The Member determined that the Tenant has a disability and therefore the Landlord has a duty to accommodate him in accordance with the *Human Rights Code*. However, applying *Eskritt v. MacKay*, the Member determined that accommodation is not relevant in a claim for damages even when the damages are related to a disability.

The Member made a conditional order allowing the tenancy to continue if the Tenant made payments of $50 a month until the damages are paid.

CET-01027-09 (November 25, 2009) - *s. 6, Substitute Decisions Act - Public Guardian and Trustee*

The Tenant filed an application claiming that the Landlord's actions in obtaining an ex parte order terminating the tenancy interfered with his reasonable enjoyment. Tenant's counsel argued that the Tenant has the capacity to give instructions to counsel and provide evidence, even though the Public Guardian and Trustee (PGT) had been appointed to manage the Tenant's property and related legal affairs.

First, the Member determined that the application relates to the Tenant's property because it involves termination of his tenancy. Second, the PGT is the only person authorized by law to deal with the Tenant's financial and related legal affairs. This decision was made after the Tenant's capacity was assessed and it was determined that he is incapable of managing his property pursuant to section 6 of the *Substitute Decisions Act*.

The Member held that she is not willing to proceed with the application without the involvement of the PGT or new evidence showing that the Tenant is legally capable of managing his property and related legal affairs. The Tenant's application was dismissed.

TSL-18156-RV (December 24, 2009) - *s. 202, real substance - Rule 16, amend application*

The Landlord applied to evict the Tenants because they did not pay the rent. The order was granted. A person directly affected by the order requested a review.

When the Tenant entered into the tenancy agreement, he used his sister's name instead of his own. The Landlord's L1 application named the sister and the order was issued against her. The sister was directly affected by the order because a lien was placed on her condominium as a result of the order. As she did not receive notice of the hearing, she did not have a reasonable opportunity to participate in the hearing. The review was granted.

The Member determined that the proper remedy would be to amend the application, and to vary the order to reflect the true names of the Tenants. The Tenant who used his sister's name will suffer no prejudice because he attended the hearing and consented to the order, and the Landlord will not have to initiate new proceedings to recover arrears of rent.

CET-02485 (January 19, 2010) - *s. 201(1)(f), amending application - s. 20(1), duty to repair - s. 30, abatement of rent*

The Tenants filed a T1 application after a fire broke out in the unit below and their unit was filled with dense smoke and soot. The Tenants had to vacate for about one month while their unit was being restored. The Tenants' insurance company arranged for the restoration of the Tenants' belongings, and the condo property management company arranged for the unit to be restored, but the Tenants also wanted an abatement of rent. The correct application to address the situation is a T6. At the hearing, the parties consented to amend the T1 application to a T6 application.

The Landlord argued that she was not responsible for the fire or the amount of time it took to restore the unit and therefore should not have to pay rent abatement. The Member noted that subsection 20(1) of the RTA does not contain a fault element. That means the reason for a landlord's breach is not relevant. The Member acknowledged there was no wrongdoing by the Landlord, but there was no dispute that the Tenants did not get what they paid for. They paid the full rent for the period of time they were unable to live in the unit. The Landlord, through no fault of her own, was unable to provide a rental unit that was in a good state of repair and fit for habitation and was therefore in breach of section 20.

The Member determined that the Tenants were entitled to a 90% rent abatement for the one month they could not live in the unit. The Tenants requested 100% but it was reduced in recognition of the services and facilities they continued to receive during the month they did not live in the unit.

CEL-22280 (January 20, 2010) - *s. 2, "rent" - s. 59(3), notice void if rent paid*

The tenancy agreement required the Tenant to pay the Landlord for utilities. The Tenant failed to pay for the utilities so the Landlord sent him a letter stating that any future rent payments will be applied toward the debt for utilities. When the Tenant failed to pay the next month's rent, the Landlord gave him an N4 notice of termination for non-payment of rent. The Tenant then paid the rent for that month.

The Landlord argued that his letter informing the Tenant of the Landlord's intended treatment of any monies paid gives him the authority to apply rent payments toward utilities first.

The Member held that the Landlord cannot unilaterally allocate the rent payment towards the utilities. There was no evidence that the Tenant had indicated to the Landlord that the payment was to be applied to anything other than rent. The amount of payment and the timing of payment were consistent with the Tenant's practice of paying the rent. As such, it was reasonable to conclude that the Tenant intended the payment to be rent, and therefore the N4 notice had been voided by the Tenant's payment. The Landlord's application was dismissed.

TEL-27316-RV (February 18, 2010) - *s. 2, landlord - s. 48, good faith - s. 168 & 174, exclusive jurisdiction*

The Landlord applied to evict the Tenant because the Landlord wants the rental unit for his own use. A previous similar L2 application had been dismissed because the Member determined that the Landlord did not genuinely intend to occupy the rental unit. In the second application, the Member concluded that the Landlord's circumstances had changed significantly since the previous application, and granted the application.

On review, the Tenant argued that: 1) the Landlord did not meet the definition of "landlord" in s. 2 of the RTA; 2) the Landlord lacked good faith; 3) the Board had no jurisdiction to hear the application because of pending litigation about the property in the Superior Court.

On the first ground of review, the Review Member noted that the Board had found in the previous application that the Landlord did meet the definition of "landlord" in the RTA. Neither party reviewed or appealed that order. As well, the Landlord had previously filed an L1 application which ordered that the Tenant be evicted (subject to his right to void the order). In addition, the Landlord issues rent receipts to the Tenant and pays the mortgage, home insurance and maintenance costs for the residential complex. The Landlord also met the definition of "landlord" in his role as the personal representative of the Estate of his father who previously owned the property.

On the second ground of review, the Review Member agreed with the first Member that the Landlord had experienced a significant change in circumstances and that he genuinely intends to occupy the complex for his own use.

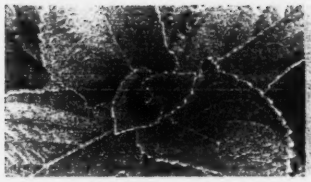
On the third ground of review, the Review Member considered sections 168 and 174 of the RTA and determined that, given the undisputed existence of a landlord and tenant relationship in this matter, the Board clearly has jurisdiction over the application despite the pending estate litigation.

The Tenant has filed an application for judicial review of the Board's review decision.

SWL-29357-SA (February 23, 2010) - *s. 78, no breach of mediated agreement*

The Landlord obtained an order under s. 78 of the RTA that evicted the Tenants for breaching the mediated settlement. The sole issue at the set aside hearing was whether the Tenants had paid $100 on or before October 15, 2009, as required by the mediated settlement. The Tenants claimed that they made the payment early on October 1, 2009 and produced a receipt from the Landlord in that regard. The Landlord claimed that the receipted payment was for the September 15, 2009 which the Tenants had made late. The Tenants did not have a receipt for the September 15, 2009 payment but claimed they made it to the on-site superintendent.

The Landlord was given an opportunity to call the superintendent as a witness either at the hearing or have the matter adjourned so that the witness could attend. The Landlord declined those opportunities. The Member found the Tenant's testimony on this point was forthright, direct and credible. The Member determined that no money was in arrears under the mediated agreement and allowed the Tenants' motion to set aside the eviction order. The Landlord's L4 was dismissed.



BIOGRAPHIES

CHAIR

Dr. Lilian Yan Yan Ma, B.Sc., Ph.D., LL.B.

Tenure: 01-JUN-2005 - 31-MAY-2013

Dr. Lilian Ma joined the ORHT[4]/LTB as the Chair and CEO in June 2005. She has extensive experience in the public sector and was a Member of the Refugee Protection Division of the Immigration and Refugee Board of Canada, the Liquor Licence Board of Ontario, the Ontario Human Rights Commission and the Drug Quality and Therapeutics Committee in Ontario. She also worked as Chief of the Public Education Division of the Race Relations Directorate of Multiculturalism Canada.

Dr. Ma earned a Bachelor of Laws degree from the University of Toronto, a Ph.D. in Chemistry from Simon Fraser University, and a Bachelor of Science degree from the University of Hong Kong.

Dr. Ma is a member of the Law Society of Upper Canada and the Canadian Bar Association and sat on the Bar Association's Racial Equality Implementation Committee from 2000 to 2004. She sits on the Board of Directors of the Council of Canadian Administrative Tribunals and the Society of Ontario Adjudicators and Regulators. Prior to joining full-time public service, she was an active volunteer in the community and sat on a number of boards.

[4] The Ontario Rental Housing Tribunal became the Landlord and Tenant Board on January 31, 2007 with the proclamation of the *Residential Tenancies Act, 2006*.

VICE CHAIRS

Kim E. Bugby

Tenure: 08-SEP-2004 · 28-MAY-2013

Kim Bugby graduated from the University of Western Ontario with a Bachelor of Arts degree in Psychology as well as from Loyalist College with a Diploma in Developmental Services. Ms. Bugby has extensive experience in community and social services for children, youth and adults including social assistance, housing, education and rehabilitative case management. Ms. Bugby was also a Community Support Coordinator, providing services to persons diagnosed with a serious mental illness. Ms. Bugby joined the ORHT/LTB as a Member on September 8, 2004 and was appointed as Vice Chair on May 28, 2008.

Eli Fellman

Tenure: 15-DEC-2004 · 14-DEC-2013

Eli Fellman has an Honours degree in Political Science from Trent University, pursued graduate studies at Carleton University and attained a Bachelor of Laws degree at the University of Ottawa. Prior to his appointment to the ORHT/LTB as a Member, he was a policy analyst at the federal Department of International Trade in Ottawa. Subsequent to his call to the Ontario Bar in 2002, he practiced international trade and customs law in Toronto. Mr. Fellman joined the ORHT/LTB as a Member on December 15, 2004 and was appointed Vice Chair on December 15, 2005.

Régent P. Gagnon

Tenure: 05-JUL-2004 · 31-AUG-2013

Régent Gagnon graduated from Le Moyne College in Syracuse, N.Y. with a Bachelor of Science degree in Humanities. He worked in public and private sector organizations in all facets of Human Resources Management and then he founded his own HR consulting firm. As a recognized expert in HR, Mr. Gagnon was invited to teach HR courses at Carleton and Ryerson Universities. Prior to his appointment to the ORHT/LTB, Mr. Gagnon served as a part-time Member of the Assessment Review Board for six years. In addition, he was a Member of the Planning Advisory Committee for Clarence Township and of the Board of Directors of the Ottawa Personnel Association and the Big Sisters of Ottawa-Carleton. Mr. Gagnon joined the ORHT/LTB as a Member on July 5, 2004 and was appointed Vice Chair on September 1, 2005.

Murray William Graham

Tenure: 17-JUN-1998 · 15-JUN-2012

Murray Graham graduated from York University with a Bachelor of Arts degree and from Osgoode Hall Law School with a Bachelor of Laws degree. After his call to the Ontario Bar, he practised law in Toronto. From 1990 to 1998, Mr. Graham was a legal and administrative consultant to corporations in the transportation, waste management and environmental research and development industries. Mr. Graham joined the ORHT/LTB in 1998 as a Member and was appointed Vice Chair on December 7, 2005.

Sean Henry

Tenure: 31-MAR-2004 - 12-DEC-2011

Sean Henry graduated from the University of Toronto with a Bachelor of Arts degree, from York University with a Master of Business Administration degree and from Queen's University with a Bachelor of Laws degree. Mr. Henry carried on a criminal and family law practice before becoming a Member with the Social Benefits Tribunal. He then worked as a senior policy analyst with the OMERS Pension Plan and after that as a policy advisor of the Ministry of Municipal Affairs and Housing. Mr. Henry joined the ORHT/LTB on March 31, 2004 as a Member and was appointed Vice Chair on December 13, 2006.

Guy William Savoie

Tenure: 16-MAY-2001 - 06-APR-2012

Guy Savoie has held a number of senior management positions within both the financial and business sectors for the past 17 years. He was also a Professor at Seneca College teaching a diverse business subject portfolio within the undergraduate and post-diploma business and marketing programs. Mr. Savoie joined the ORHT/LTB on May 16, 2001 as a Member and was appointed Vice Chair on March 24, 2004.

Jonelle Elizabeth van Delft

Tenure: 12-NOV-2004 - 12-JUN-2012

Jonelle van Delft graduated from Queen's University with an Honours degree in History, a Special Field Concentration in Women's Studies and a Bachelor of Laws degree. Before her appointment to the ORHT/LTB, she practiced in a Legal Clinic under the Ontario Legal Aid Plan. Ms. van Delft joined the ORHT/LTB as a Member on November 12, 2004 and was appointed Vice Chair on June 13, 2007.

MEMBERS

Elizabeth Beckett

Tenure: 07-FEB-2001 - 06-APR-2012

Elizabeth Beckett, a graduate of Osgoode Hall Law School, has spent much of her professional life in the teaching profession. Prior to taking up her position at the ORHT/LTB she was a part-time Professor of Law at Sheridan College and taught Business Law for Canadian General Accountants. She brings with her experience gained as a Member of the Boards of Inquiry for the Human Rights Commission. Ms. Beckett was an ORHT/LTB Vice Chair from April 7, 2004 to April 6, 2007; on April 7, 2007 she resumed her position as a Member of the LTB.

Joseph A. Berkovits

Tenure: 22-JUN-2005 - 21-JUL-2014

Joseph Berkovits graduated from York University with a Bachelor of Arts (Honours) degree in History and English, and a Master and Doctorate in History from the University of Toronto. He received a Bachelor of Laws degree from the University of Toronto, articled at the Ontario Ministry of the Attorney General and in 2004 was called to the Ontario Bar.

Louis Bourgon

Tenure: 13-DEC-2006 - 12-DEC-2011

Louis Bourgon graduated from the University of Ottawa with a Bachelor of Arts degree and a Bachelor of Laws degree. He was called to the Ontario Bar in 1998. Mr. Bourgon also holds a certificate in Alternative Dispute Resolution from the University of Windsor, Faculty of Law. Before his appointment to the ORHT/LTB, he worked for seven years as legal counsel in the Law Society of Upper Canada's Professional Regulation Division. He also previously served as legal counsel to the Children's Aid Society of Ottawa. Mr. Bourgon has been an invited speaker at law schools and legal conferences on matters of professional responsibility and discipline.

Vincenza (Enza) Buffa

Tenure: 05-MAY-2004 - 04-MAY-2012

Enza Buffa served as a Customer Relationship Management Reporting Analyst in the private sector for a world-wide call center whose client is primarily Ford Motor Company. Ms. Buffa was dedicated to this company for six years where she used her communication and conflict resolution skills on a daily basis with internal and external clients. She is a certified internal ISO (International Organization for Standards) auditor and has also held various positions during her term, such as Workforce Planning and Management and Payroll Administrator.

William Burke

Tenure: 18-OCT-2005 - 17-OCT-2013

William Burke was employed for more than 17 years in the municipal sector before joining the ORHT/LTB. Mr. Burke was involved in aspects of municipal standards, building inspections and law enforcement during those years. He is a member of the Ontario Association of Property Standards Officers and served on the Board of Directors of that association previously.

Ruth Carey

Tenure: 13-DEC-2006 - 12-DEC-2011

Ruth Carey holds a Bachelor of Laws degree from the University of Ottawa, as well as a Bachelor of Arts degree in Women's Studies and a Bachelor of Science degree in Forestry from the University of Toronto. She was called to the Ontario Bar in 1993. She was the Executive Director of the HIV & AIDS Legal Clinic (Ontario). She has been a Member of the boards of directors of a number of community based or charitable organizations including the Northumberland Social Planning Council, Pro Bono Law Ontario, and the Canadian HIV/AIDS Legal Network.

Vincent Ching

Tenure: 19-APR-2006 - 18-APR-2014

Vincent Ching joined the ORHT/LTB after serving for four years as a Member of the Social Benefits Tribunal. Prior to that, he held senior positions with the provincial and municipal governments for nearly 30 years. He graduated from the University of Toronto with a Master in Social Work and more recently with a Master in Theological Studies. He has extensive volunteer experience in the community, including serving as a board member of the Ontario Trillium Foundation and Agincourt Community Services Association.

Shirley Jean Collins

Tenure: 19-Nov--2009 - 18-Nov-2011

Shirley Collins was a Member of the Immigration Appeal Division of the Immigration and Refugee Board of Canada from 2003 to 2006, and worked as a Senior Professional Development Advisor in the Learning and Professional Development Department of that tribunal. Prior to 2003 she owned and operated her own business for more than ten years. She was also an elected official at the municipal and provincial governments and a community leader and volunteer in Hamilton for many years.

Brian A. Cormier

Tenure: 19-APR-2006 - 18-MAY-2012

Brian Cormier has a diverse management background attained through a 30-year career at Bell Canada. His last position at Bell was Human Resources Generalist for Ontario Provincial District. His responsibilities included employee development, employee performance review boards, industrial relations support, disability management, and health and safety. Mr. Cormier has studied at Laurentian University, Queen's University Leadership Development and the Bell Institute for Professional Development. Mr. Cormier has been an active community volunteer for over 25 years.

Nancy Fahlgren

Tenure: 17-JUN-1998 - 15-JUN-2012

Nancy Fahlgren came to the ORHT/LTB with over 10 years experience in administering rental housing legislation. Professional highlights include: serving as Acting Chief Rent Officer under Rent Control Programs, adjudicating issues governed by previous housing legislation, and mediating landlord and tenant rental matters. Ms. Fahlgren studied science and languages at Nipissing University and the University of Toronto.

Bittu Kurian George

Tenure: 02-MAY-2007 - 01-MAY-2011

Bittu George graduated from Queen's University with a Bachelor of Arts (Honours) degree in Political Studies, and a Bachelor of Laws degree. He was called to the Ontario Bar in 2002, and has been in private practice, with a focus on immigration law. Mr. George has also worked at the Ontario Ministry of Transportation and a Kingston law firm in the areas of planning, municipal and real estate law. An active member of the Kingston community for many years, Mr. George has served as a City Councillor and Deputy Mayor.

Suparna Ghosh *(Part-Time Member)*

Tenure: 20-JUN-2007 - 19-JUN-2009

Prior to joining the LTB, Ms. Ghosh spent ten years at the Immigration and Refugee Board, two years at the Social Assistance Review Board and six years with the former Rent Review Hearings Board of the Ministry of Housing, as well as Rent Control Programs. Ms. Ghosh holds a Master in Mathematics and a Bachelor of Arts (Honours) degree in Mathematics, English and Economics from Delhi University in India.

Petar Guzina

Tenure: 16-NOV-2009 - 15-NOV-2011

Petar Guzina graduated from Osgoode Hall Law School with a Bachelor of Laws degree and from York University with a Bachelor of Arts (Honours) degree in Political Science. Before his appointment to the LTB, he practiced law in a general private practice which included representing landlords before the Ontario Rental Housing Tribunal. He had also practiced at a legal clinic which included representing tenants as clinic lawyer and as duty counsel. Mr. Guzina also serves as a volunteer board member of a local Children's Aid Society.

Dan Helsberg

Tenure: November 30, 2005 - May 20, 2009

Henry Daniel Helsberg was a self-employed financial consultant. Prior to this, Mr. Helsberg was a real estate salesperson for seven years, selling residential and commercial properties in the Sudbury area. Mr. Helsberg received a Master of Arts (Economics) from the University of Guelph and completed Ph.D. course work in Urban and Regional Planning at the University of Waterloo. Sadly, Mr. Helsberg passed away during his tenure with the LTB.

Brenna Homeniuk

Tenure: 13-DEC-2006 - 12-DEC-2011

Brenna Homeniuk graduated from the University of Waterloo with a Bachelor of Science degree, Bachelor of Arts degree and a Master of Arts (Psychology) and from the University of Western Ontario with a Bachelor of Laws degree. She was called to the Ontario Bar in 2002. Before her appointment to the ORHT/LTB, Ms. Homeniuk practised in the areas of criminal law, family law, social assistance and landlord-tenant law in south-western Ontario.

Elke Homsi

Tenure: 01-MAR-2006 - 28-FEB-2014

Elke Homsi is an experienced adjudicator, who served as a Member of the Immigration and Refugee Board for over 11 years before being appointed to the ORHT/LTB. Ms. Homsi was educated in Germany and immigrated to Canada in the late 60's.

Anita Louse Horton

Tenure: 08-JUN-009 - 07-JUN-2011

Louise Horton holds a Bachelor of Laws degree and a Bachelor of Arts degree in Sociology from the University of Toronto. Following her call to the Bar in 2000, she worked as a labour and employment lawyer and then as legal counsel in the Professional Regulation division of the Law Society of Upper Canada.

Judy Ireland *(Part-Time Member)*

Tenure: 07-MAR-2007 - 06-MAR-2012

Judy Ireland received a Bachelor of Arts (Honours) degree in History and a Master of Arts in Education from the University of Toronto. Ms. Ireland was a Vice-Chair of the Social Assistance Review Board from 1992 to 1998 and a Member of the Immigration and Refugee Board of Canada from 1998 to 2006. She has been a volunteer for many years in community organizations.

Kenneth Jepson

Tenure: April 4, 2007 - April 3, 2009

Kenneth Jepson received a Bachelor of Arts (Honours) degree and Bachelor of Education degree from the University of Western Ontario. After teaching at the elementary and secondary school levels, Mr. Jepson obtained a Bachelor of Laws degree from the University of Toronto, Faculty of Law. He practised civil litigation and then served as Associate Counsel to the Chair for the Workplace Safety and Insurance Appeals Tribunal. Mr. Jepson has also been a Member of the Licence Appeal Tribunal. Mr. Jepson also developed continuing legal education programs for Osgoode Hall Law School.

Greg Joy

Tenure: 08-JUN-2005 - 07-JUN-2013

Greg Joy was the Olympic Silver medalist in high jump at the 1976 Montreal Olympic Games. He was Canada's athlete of the year and received the Governor General's Award. In 1978 he broke the world record with a leap of 2.31 metres. He is also a recipient of the Queen's Golden Jubilee Medal for his work in his community. He worked as a sport and fitness consultant for the government of Ontario and as a teacher, and has coached several national and international champion athletes. He was also the Executive Director of the Ottawa Food Bank and was the principle partner of a successful corporate training company. He supported several charities and has been a member of numerous boards. He graduated from the University of Toronto and has a post graduate certificate in financial analysis from the University of Western Ontario.

Caroline A. A. King

Tenure: 07-OCT-2004 - 06-OCT-2012

Caroline King graduated from Glendon College, York University (bilingual stream) with an Honours degree in Canadian Studies and Political Science, then attained a Bachelor of Laws degree from the University of Western Ontario. Before her appointment to the ORHT/LTB, she practiced law for a number of years, and was active in her local community.

Claudette Leslie

Tenure: 26-APR-2006 - 25-APR-2014

Claudette Leslie graduated from the University of Toronto with a Bachelor of Arts degree in English and from Centennial College with a Diploma in Journalism. Ms. Leslie is an experienced Communications and Public Relations professional who has worked in various roles including corporate and marketing communications and as a freelance writer. She has been involved in community volunteer work for more than two decades.

Vernon Wayne MacKinnon

Tenure: 08-DEC-2004 - 07-JAN-2014

Wayne MacKinnon attended the University of King's College and Dalhousie University in Halifax, Nova Scotia, where he studied in the Faculty of Arts and Science (Social Sciences), and then went on to do graduate work in Boston, Massachusetts. Before his appointment to the ORHT/LTB he worked for many years with the Municipality of Ottawa-Carleton and, after that, with the Government of Canada. Mr. MacKinnon was a Member of the Mayor's Advisory Committee on Visible Minorities in Ottawa and a voluntary Member of Bell Canada's Consumer Advisory Panel. He was also Chair of the Police/Community Relations Committee in Ottawa.

Ina Maher *(Part-Time Member)*

Tenure: 11-APR-2006 - 10-OCT-2009

Ina Maher graduated from the University of Hong Kong with a Bachelor of Arts (Honours) degree, a Diploma in Education and a Master of Arts. Ms. Maher taught for 12 years before joining the Hong Kong Civil Service where she served in various departments until she took early retirement to immigrate to Canada in 1990. Here, she enrolled in Osgoode Hall Law School, obtaining a Bachelor of Laws degree in 1994. Ms. Maher worked for several years in the Ministry of Transportation before retiring again and becoming more involved in volunteer work.

Ieva Martin

Tenure: 23-JUN-2004 - 22-JUN-2012

Ieva Martin served as Chair of the Board of Referees, the appeal tribunal for the Employment (formerly Unemployment) Insurance Commission, from 1995 to 2004. Prior to that, she was a small business owner and a Member of the Board of the Clarkson Business Improvement Association. Ms. Martin was the President of the Latvian Canadian Cultural Centre. She obtained a Bachelor of Arts (Honours) degree in French and Canadian Studies from the University of Toronto.

Debra Mattina

Tenure: 11-MAY-2005 · 10-NOV-2009

Debra Mattina is a graduate of Mohawk College in Hamilton (Business Accounting and Medical Radiological Technology) and worked as a medical radiation technologist for 20 years. In 2003, Ms. Mattina was awarded the Queen's Golden Jubilee Medal recognizing her volunteer efforts in her community over her lifetime.

Brian McKee

Tenure: April 2, 2003 · April 1, 2009

Brian McKee graduated from Algonquin College, School of Business. He has held senior management positions in the private sector over the past 25 years. He also worked as a management consultant to several large corporations and privately owned businesses from 1989 to 2002.

James Grant (Jim) McMaster

Tenure: 26-OCT-2005 · 15-NOV-2011

Jim McMaster has been an active member of his community for over 20 years. He was a Member of the Ajax council for 12 years, where he also served as the Deputy Mayor. He was the Region of Durham Finance Chairman and Budget Chief and the Vice Chair of the Toronto and Region Conservation Authority.

Alan B. Mervin *(Part-Time Member)*

Tenure: 24-OCT-2001 · 17-JUL-2013

Alan Mervin attended York University, obtaining a Bachelor of Arts degree in Sociology, and received a Bachelor of Laws degree from the University of Windsor. Mr. Mervin joined the Ontario Legal Aid Plan, now Legal Aid Ontario, where he served as a staff lawyer in a number of capacities. Mr. Mervin left Legal Aid in 1980, to enter the private practice of law with a focus on Criminal Trial Practice.

Christina Budweth Mingay *(Part-Time Member)*

Tenure: 02-OCT-2002 · 01-OCT-2010

Christina Budweth Mingay graduated from McMaster University with a Bachelor of Arts degree and Bachelor of Laws degree from Queen's University. She was in private practice until 1991 with a focus on civil litigation. From 1991 to 2001, she worked with the Law Society of Upper Canada.

Gerald Naud

Tenure: 07-OCT-2004 · 06-OCT-2012

Gerald Naud graduated from the University of Ottawa with a Bachelor of Civil Laws degree. Following graduation, he maintained a private practice prior to taking a position with the Government of Canada in the compliance department of Transport Canada. Mr. Naud was also involved in a successful private business for many years. He held the position of Director of Business Development for CCH Canadian Limited, one of Canada's leading publishers.

Lynn Neil *(Part-Time Member)*

Tenure: 21-APR-2004 - 20-APR-2012

Lynn Neil is a graduate of Andrews University and the University of Ottawa with degrees in Psychology and Criminology. She also has diplomas in Advanced Human Resource Management from the University of Toronto, and Alternative Dispute Resolution from the University of Windsor, Faculty of Law. Ms. Neil worked for 28 years for the Ontario government, during which time she directed a number of large enforcement programs in various ministries. Since her retirement she has been engaged, part-time, in consulting work, specializing in human resource management.

John Patrick Nolan *(Full Time Member effective 27-MAY-2009)*

Tenure: 29-NOV-2006 - 26-MAY-2011

John Nolan attended McGill University, obtaining a Bachelor of Arts degree in Economics and Political Science, and received a Bachelor of Civil Laws degree and a teaching diploma from the University of Ottawa. Mr. Nolan has devoted over 25 years to working with troubled youth.

Lloyd Phillipps

Tenure: 15-JAN-2007 - 14-JAN-2012

Lloyd Phillipps graduated from Carleton University with a Bachelor of Arts degree in Law and from Loyalist College with a Diploma in Paralegal Studies. He taught business courses at the Community College level. He was employed with the Ontario Ministry of Health, Emergency Health Services Branch, with the Ministry of the Attorney General, where he was a Provincial Prosecutor, and with the Ministry of the Environment. While with the Ministry of the Environment, he was the recipient of awards for Innovation and Environmental Protection.

Jean-Paul Pilon

Tenure: 24-AUG-2006 - 20-FEB-2012

Jean-Paul Pilon is a lawyer and has practised law in Kitchener, Ontario since 1997. He holds a Bachelor of Arts (Honours) degree in Political Science and Urban Studies from Concordia University in Montreal and a Bachelor of Laws degree from the University of Windsor. He acted as duty counsel at ORHT hearings in Kitchener. He previously taught law as an Adjunct Professor at the University of Waterloo School of Optometry. Mr. Pilon is a member of the Canadian Bar Association and the Waterloo Law Association.

Jana Rozehnal

Tenure: 26-APR-2006 - 25-APR-2014

Jana Rozehnal is a graduate of the Faculty of Law of Jan Evangelista Purkyne (now known as Masaryk University) in Brno, Czech Republic, where she earned a Doctor of Law. Subsequently she graduated from the University of Toronto with a Bachelor of Laws degree. Prior to her appointment to the ORHT/LTB, Ms. Rozehnal was in private practice with focus on family law.

Egya Ndayinanse Sangmuah

Tenure: 15-JAN-2007 - 14-JAN-2012

Egya Sangmuah graduated from the University of Toronto with a Doctorate in History, from the McGill Law School with a Bachelor of Laws degree, from Osgoode Hall Law School with a Master of Laws and from the University of Ghana with a Bachelor of Arts (Honours) degree. He was a Member of the Immigration Appeal Division of the Immigration and Refugee Board (IRB) from 1999 to 2006 and the Convention Refugee Determination Division of the IRB from 1996 to 1998. Prior to that, Mr. Sangmuah was Counsel to the Ontario Ministry of Citizenship, Culture and Recreation, as well as a part-time Member of the Liquor Licence Board of Ontario. He was also a Law Clerk to the justices of the Ontario Court of Appeal.

Freda Shamatutu

Tenure: 21-APR-2004 - 20-APR-2012

Freda Shamatutu holds a Bachelor of Laws degree from the University of Zambia. She practiced law in Zambia for 20 years before immigrating to Canada. Ms. Shamatutu has spent most of her professional career working for various organizations at the senior management level, including as Chief Legal Advisor and Legal Counsel for the Zambian national airline, Board Secretary and Director Support Services for Zambia Revenue Authority and Executive Director for the Advanced Legal Training Institute in Zambia. Before her appointment as a Member to the ORHT/LTB, Ms. Shamatutu was employed as office manager for a law firm in Toronto.

Michael Soo *(Part-Time Member)*

Tenure: 15-JAN-2007 - 14-JAN-2012

Michael Soo graduated from the University of Victoria with a Bachelor of Arts degree in History and from the University of Western Ontario with a Bachelor of Laws degree. Mr. Soo has practiced law in Kitchener since 2002, with a focus on criminal, family and civil litigation. He is also a part-time instructor in law-related continuing education courses at Fanshawe College in London, as well as at Conestoga College in Kitchener.

Nina Stanwick *(Part-Time Member effective January 15, 2009)*

Tenure: 15-JAN-2007 - 14-JAN-2011

Nina Stanwick has a Bachelor of Laws degree from the University of Windsor, as well as a Bachelor of Arts (Honours) degree in Mathematics from the University of Guelph and a Bachelor of Education degree from the University of Toronto. She was called to the Ontario Bar in 1982. She was a Commissioner with the Residential Tenancies Commission, a Member of the Rent Review Hearings Board and a Rent Officer under the Rent Control Program. She was also a Member of the Immigration and Refugee Board prior to joining the ORHT/LTB.

Lisa M. Stevens

Tenure: 16-NOV-2009 - 15-NOV-2011

Lisa Stevens graduated from the University of Toronto with a Bachelor of Arts degree and then attained her Bachelor of Laws degree from Queens University. Before her appointment to the LTB she practiced law for over thirty years and was active in her community. She was an Executive Member of her local Law Association as well as President. She was a Chair person of the Review Tribunal for the Canada Pension Plan and Old Age Security and served as a Deputy Judge of the Small Claims Court. .

Gerald Douglas Taylor

Tenure: 26-SEP-2001 - 25-SEP-2012

Gerald Taylor has many years of administrative experience, having worked in the banking, automotive and information technology industries. During his career Mr. Taylor held positions of significant responsibility and decision-making. He also dedicated considerable time to community activities such as Junior Achievement, United Way, Local and Ontario Chambers of Commerce and Durham Enterprise Centre for small business.

Jeanie Theoharis

Tenure: 13-DEC-2006 - 12-DEC-2011

Jeanie Theoharis graduated from the University of Toronto having attained a Bachelor of Arts degree in Commerce, Economics and Actuarial Science. She studied law at State University of New York and University of Toronto where she received a Juris Doctorate in Law and a Bachelor of Laws degree. She is called to the Bars of New York and Ontario. Before her appointment to the ORHT/LTB, she practised commercial litigation, construction lien law and commercial real estate at a firm in downtown Toronto.

Christopher Trueman

Tenure: January 20, 2003 - April 22, 2009

Christopher Trueman was actively involved in both the public and private sectors. In 1994, he was elected as a school board trustee with the Haliburton County Board of Education. Mr. Trueman spent many years in the private sector as the owner of an equipment leasing company. In 2001, after completing studies through the University of Waterloo and Osgoode Hall Law School, he established a private practice in the field of Alternative Dispute Resolution. He was a Member of the ADR Institute of Ontario and the Association for Conflict Resolution in Washington D.C. Sadly, Mr. Trueman passed away during his tenure.

Marian Elizabeth Usprich

Tenure: 01-MAR-2006 - 28-FEB-2014

Elizabeth Usprich attended the University of Western Ontario where she earned a Bachelor of Arts degree in Psychology and a Bachelor of Laws degree. In addition to practising as a lawyer, Ms. Usprich has also taught law at the college level. She was actively involved in the London community and has sat on several boards of directors.

Rosa Votta

Tenure: 21-AUG-2003 - 20-AUG-2009

Rosa Votta has worked in various departments of the provincial government, including Health, Citizenship, Culture (Tourism) and Recreation and several branches of the Ministry of Labour, namely the Health and Safety Branch and most recently the Employment Standards Branch, as an Employment Standards Officer, administering and enforcing the Employment Standards Act.

Brad J. Wallace

Tenure: 15-DEC-2005 - 14-DEC-2013

Brad J. Wallace is a graduate of the University of Western Ontario, with a Bachelor of Arts (Honours) degree in Politics, and the University of Windsor with a Bachelor of Laws degree. Before his appointment to the ORHT/LTB, Mr. Wallace practised primarily in the areas of insurance defence, plaintiff personal injury, social assistance and landlord-tenant law. Mr. Wallace is a former Member of the Board of Directors of the London and Area Food Bank, and a past Member of the Board for the London Training Centre.

Karen Wallace

Tenure: 13-DEC-2006 - 12-DEC-2011

Karen Wallace graduated from Osgoode Hall Law School with a Bachelor of Laws degree. She articled with the Ministry of the Attorney General. After her call to the Ontario Bar in 1994, Ms. Wallace established her own family law practice in Toronto. From 1998 to 2006 Ms. Wallace was employed by Legal Aid Ontario.

Sylvia Nancy Watson

Tenure: 08-JUN-2009 - 07-JUN-2013

Sylvia Watson was called to the Ontario Bar in 1981, after having graduated from York University with a Bachelor of Arts degree and from Osgoode Hall Law School with a Bachelor of Laws degree. She had practiced law in the private sector, specialising in litigation until 1986 when she became Corporate Counsel at Wellesley Hospital. In 1991 she joined the legal department of the City of Toronto, serving as Director of Litigation until 1996, City Solicitor until 1998, and Corporation Counsel until 2002. Ms. Watson was elected as City Councillor for Parkdale-High Park in Toronto in 2003. She has served on the Boards of a number of arts, business, long term care, and community service not-for-profit organisations for many years.

Mike Welsh

Tenure: 08-JUN-2005 - 14-NOV-2009

Mike Welsh is a graduate of the University of Waterloo with a Bachelor degree in Environmental Studies. He was Operations Manager, FedEx Logistics, at the John Deere Welland Works from 1995 to 2004. Mr. Welsh also worked as a transportation consultant and planner. He has also served as: Vice Chairman, Niagara-on-the-Lake Committee of Adjustment; Member, Niagara-on-the-Lake Irrigation Committee; Member, Niagara-on-the-Lake Fence Arbitration Committee; and, Member, Niagara-on-the-Lake Traffic and Parking Committee.

Karol Wronecki *(Part-Time Member)*

Tenure: 15-JAN-2007 - 14-JAN-2012

Karol Wronecki has degrees in Law and Public Administration from universities in Poland and Canada. After teaching constitutional law at the University of Wroclaw and at York University in Ontario, he joined the Ontario government in 1982. For 24 years, he worked in the administrative justice system as an adjudicator and a civil servant. He adjudicated in and managed programs dealing with rent control and landlord-tenant legislation. Until December 2006 when he retired, he was the manager of Central Region of the ORHT.

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